HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 17206 OF 2007

Dated: 14.8.2007

Between:

P. Janaki Rama Rao

… Petitioner

and

The Commissioner, Cyberabad Commissionerate, Cyberabad and others

… Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 17206 OF 2007

ORAL ORDER:

The petitioner is the General Power of Attorney Holder of the agreement holders namely Y. Nageshwar Rao and 3 others, who have purchased the lands by an agreement of sale dated 2.2.1983 in an extent of Ac.21.35 guntas in Sy.No.11/30, 11/22, 11/24, 11/26, 11/27 and 11/29 situated at Khanamet Village, Rajendranagar Mandal, Ranga Reddy District, belonging to the Gurukul Ghatkeshwar Trust (for short 'the Trust'), represented by its President K. Kishen Lal.

It is stated that the petitioner being the GPA holder of the said agreement holders along with the Trust, transferred the said property in favour of Dr. Dasari Prasada Rao, vide registered document No.2380/1996 dated 30.7.1996, duly registered by the District Registrar, Ranga Reddy District. It is further stated that while so, the 3rd respondent-Station House Officer, Madhapur Police Station, sent some of the constables to the residence of the petitioner on 31.7.2007, to secure the presence of the petitioner in the police station and accordingly he was made to sit at the police station for hours together,

without registering any case, on the ground that some third parties are claiming their right over the said land purchased by them and, therefore, the said purchaser namely Dr. Dasari Prasada Rao made a complaint to that effect. It is the case of the petitioner that if any complaint has been made by Dasari Prasada Rao, it is open for the police to register a case, investigate the same and take appropriate action. But without doing so, the police have no right or business to call upon the petitioner to the police station and make him sit there for long duration. It is further stated that the petitioner though tried to approach the respondents 1 and 2 i.e., the Commissioner and the Assistant Commissioner of Police, he was not permitted.

The said statement made by the petitioner is difficult to be believed. Even if it is the case of the petitioner that he was restrained from meeting the respondents 1 and 2, he could have made a written representation or at least a telegram in this regard. It cannot be said that the allegations made by the petitioner are true and correct, so as to enable this court to direct the respondents to conduct an enquiry and take appropriate action against the 3rd respondent. As there is no representation or grievance lodged, it may not be just and proper to issue a Writ of Mandamus.

Therefore, there are no merits in the writ petition and the same is dismissed at the stage of admission, with liberty to the petitioner to make a written representation to the respondents 1 and 2 against the alleged illegal activities said to have been resorted to by the 3rd respondent. There shall be no order as to costs.

V. ESWARAIAH, J

DATE: 14.8.2007
CVM